

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

BENJAMIN PLAZA, JR.,

x
Index No.: 700053/2009

Plaintiff,

JUDGMENT

-against-

MICHAEL HEILBRON,

Defendant.

x

A Notice of Motion, dated July 20, 2009, having been made by plaintiff, BENJAMIN PLAZA, JR., for an order granting him a default judgment over defendant, MICHAEL HEILBRON, pursuant to CPLR § 3215, and upon the reading and filing the Affirmation and exhibits in support thereof, and defendant having defaulted on said motion, and the Court having had due deliberation thereon,

AND, the Court having rendered a decision and order dated August 31, 2009, and entered on September 1, 2009, granting plaintiff, BENJAMIN PLAZA, JR.'s, motion for a default judgment and setting the matter down for an Inquest on Damages,

AND, the Court having conducted an Inquest on Damages on November 4, 2009,

AND, the Court having issued an oral decision regarding said Inquest on November 4, 2009,

NOW, ON MOTION of ROTHSTEIN LAW PLLC, attorneys for plaintiff, BENJAMIN PLAZA, JR., it is

ADJUDGED, that plaintiff, BENJAMIN PLAZA, JR., residing at 19-88 78th Street, East Elmhurst, New York, 11370, have judgment against defendant, MICHAEL HEILBRON, residing at 30-18 88th Street, Flushing, New York 11369, in the principal

amount of \$125,200.00 (one hundred twenty-five thousand two hundred dollars), plus costs in the amount of \$ _____ plus interest from August 31, 2009, in the amount of \$ _____ for a total judgment of \$ _____ and that BENJAMIN PLAZA, JR. shall have execution thereon.

E N T E R :

Clerk of the Supreme Court
Queens County

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

BENJAMIN PLAZA, JR.,

Index No.: 700053/2009

Plaintiff,

- against -

MICHAEL HEILBRON,

BILL OF COSTS and
NOTICE OF TAXATION

Defendant.

COSTS:	\$	DISBURSEMENTS:	\$
Costs before note of issue.....	200.00	Fee for index number CPLR§8018(a).....	210.00
CPLR §8201 subd. 1		Referee's fees CPLR §8301(a)(1), 8003(a).....	
Costs after note of issue.....	200.00	Commissioner's compensation CPLR §8301(a)(2).....	
CPLR §8201 subd. 2		Clerk's fee, filing notice of pend. or attach. CPLR 8021(a)(10).....	
Trial of issue.....	300.00	Entering and docketing judgment CPLR §8301(a)(7), 8016(a)(2).....	
CPLR §8201 subd. 3		Paid for searches CPLR §8301(a)(10).....	
Allowance by statute.....		Affidavits & acknowledgments CPLR §8009.....	
CPLR §8302(a), (b)		Serving copy summons & complaint CPLR §8011(h)(1), 8301(d).....	
Additional allowance.....		Request for Judicial Intervention.....	37.00
CPLR §8302(d)		Note of issue CPLR §8020(a).....	95.00
Motion costs.....		Paid referee's report CPLR §8301(a)(12).....	30.00
CPLR §8202		Certified copies of papers CPLR §8301(a)(4).....	
Appeal to Appellate Term.....		Satisfaction piece CPLR §5020(a), 8021.....	
CPLR §8203(b)		Transcripts and filing CPLR §8021.....	
Appeal to Appellate Division.....		Certified copy of judgment CPLR §8021.....	
CPLR §8203(a)		Postage CPLR §8301(a)(12).....	
Appeal to Court of Appeals.....		Jury fee CPLR §8020(c).....	
CPLR §8204		Stenographer's fees CPLR §8002, 8301.....	15.00
Costs upon frivolous claims and counterclaims.....		Sheriff's fees on execution CPLR §8011, 8012.....	
CPLR §8303-a		Sheriff's fees, attachment, arrest, etc. CPLR §8011.....	
Costs.....	\$	Paid printing cases CPLR §8301(a)(6).....	
Disbursements.....	\$	Clerk's fees Court of Appeals CPLR §8301(a)(12).....	
TOTAL.....	\$	Paid copies of papers CPLR §8016(a)(4).....	
		Motion expenses CPLR §8301(b).....	45.00
		Fees for publication CPLR §8301(a)(3).....	
		Serving subpoena CPLR §8011(h)1, 8301(d).....	57.00
		Paid for Search CPLR §8301(a)(10).....	
		Filing Fees for Motions CPLR 8020(a).....	
		Appellate Printing CPLR § 8301(a) (6) & (12).....	
		Notice of Appeal.....	
		Referee's report.....	
		Attendance of witnesses CPLR §8001(a)(b)(c), 8301(a)(1).....	

State of New York, County of New York ss.:

The undersigned, an attorney admitted to practice in the courts of this state, affirms:

I am ERIC E. ROTHSTEIN, a Member of ROTHSTEIN LAW PLLC, attorneys for the plaintiff in the above entitled action; that the foregoing disbursements have been or will necessarily be made or incurred in this action and are reasonable in amount and that each of the persons named as witnesses attended as such witness on the trial, hearing or examination before trial herein the number of days set opposite their names; that each of said persons resided the number of miles set opposite their names from the place of said trial, hearing or examination; and each of said persons, as such witness as aforesaid necessarily traveled the number of miles so set opposite their names in traveling to, and the same distance in return from, the same place of trial, hearing or examination; and that copies of documents are papers as charged herein were actually and necessarily obtained for use.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
November 12, 2009



ERIC E. ROTHSTEIN

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF QUEENS : CIVIL TERM : PART 2
3 -----X

3 BENJAMIN PLAZA, JR., Index No. 700053/2009

4 Plaintiff, Decision

5 -against-

6 MICHAEL HEILBRON,

7 Defendant.

8 -----X

9 Supreme Courthouse
10 88-11 Sutphin Boulevard
11 Jamaica, New York 11435
12 November 4, 2009

13 B E F O R E :
14 HONORABLE ALLAN B. WEISS,

15 Justice

16 A P P E A R A N C E S :

17 FOR THE PLAINTIFF:
18 ROTHSTEIN LAW FIRM, PLLC
19 11 Park Place.
20 New York, 10007 (212)385-8015
21 BY: ERIC E. ROTHSTEIN, ESQ.

22 SUSAN NAPOLI, CSR, RMR, CRR
23 Senior Court Reporter
24
25

Decision

2

3 THE COURT: Okay. The Court is going to award
4 the plaintiff, for past pain and suffering, the sum of
5 \$75,000.

6 Lorraine, got that?

7 THE COURT CLERK: No, I didn't hear you. I'm
8 sorry.

9 THE COURT: Past pain and suffering, \$75,000.

10 THE COURT CLERK: Okay.

THE COURT: For future pain and suffering,

12 \$50,000, making a total of \$125,000 for pain and
13 suffering, together with \$200 for medical expenses, for
14 a total award of \$125,200.

15 The above constitutes the decision of the
16 Court. Enter judgment with a copy of the transcript.

17 (Pause in proceedings.)

18 THE COURT: Interest from August 31st, 2009.

19 THE COURT CLERK: To?

THE COURT: Forever, till he gets paid.

21 *****
22 CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN
THIS CASE.

Susan Napoli

Susan Napoli, CSR, RMR, CRR
Senior Court Reporter

Index No.: 700053/09

**SUPRMEME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

BENJAMIN PLAZA, JR.

Plaintiff,

-against-

MICHAEL HEILBRON,

Defendant.

JUDGMENT

ROTHSTEIN LAW PLLC
Attorneys for Plaintiff
11 Park Place, Suite 1801
New York, New York 10007
212-385-8015

CERTIFICATION BY ATTORNEY:

The undersigned, an attorney duly admitted to practice in the Courts of the State of New York, shows:

I certify that, to the best of my knowledge, information and belief formed after an inquiry reasonable under the circumstance, the presentation of the paper(s) listed above or contention(s) herein are not frivolous as defined in §130-1.1(c).



Eric E. Rothstein